

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	No. 1:15-cr-00095-001-TRM-CHS
v.)	
)	
DEMETRIC POINTER aka)	
ROBERT JAMES DAVIS, JR.)	

MEMORANDUM AND ORDER

DEMETRIC POINTER aka ROBERT DAVIS JR., (“Defendant”) came before the Court for an initial appearance on October 1, 2021, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Third Amended Petition for Warrant for Offender under Supervision (“Petition”) [Doc. 62].

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wanted to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court **APPOINTED** Attorney Clay Whittaker, to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with his attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of his counsel. In addition, AUSA Frank Clark explained to Defendant the specific charges contained in the Petition. Defendant acknowledged that he understood the charges in the Petition.

The Government moved Defendant be detained pending disposition of the Petition or further Order of this Court. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. Defendant conferred with his counsel and waived the detention hearing; however, he requested a preliminary hearing. Defendant’s counsel requested some additional time to prepare for the hearing. At counsel’s request, the Court scheduled the preliminary hearing on **Thursday, October 7, 2021, at 2:30 p.m.**, before the undersigned.

The Court finds that Defendant has not carried the burden of establishing by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Consequently, the Court **GRANTED** the Government’s oral motion to detain Defendant pending disposition of the Petition.

It is, therefore, **ORDERED** that:

1. Defendant shall remain in custody pending his preliminary hearing on **Thursday, October 7, 2021, at 2:30 p.m.** The U.S. Marshal's service will make arrangements to transport Defendant to the federal courthouse for such hearing.
2. Counsel for Defendant and the Government shall confer and make best efforts to submit to the United States District Judge a proposed Agreed Order with respect to an appropriate disposition of the Third Amended Petition for Warrant for Offender Under Supervision.
3. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Third Amended Petition for Warrant for Offender Under Supervision, they shall request a hearing before the United States District Judge.

ENTER.

/s/ Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE